



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
P.O. Box 8044  
Madison, Wisconsin 53708-8044  
TDD #: (608) 264-8777

Jim Doyle, Governor  
Jack L. Fischer, A.I.A., Secretary

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## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 55  
**Comm #:** 53149-1236-28-B  
**BRRTS #:** 02-68-000831  
**Site Name:** Horn Oil Co  
**Site Address:** 728 Clarendon Ave, Mukwonago, 53149  
**Bid Manager:** Jon Heberer  
**Address:** P.O. Box 8044  
**City, State Zip:** Madison, Wisconsin 53708-8044  
**Phone:** (608) 261-5405  
**e-mail:** Jon.Heberer@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>June 9, 2008</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>June 23, 2008, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>July 11, 2008</b>
<b>Bid-End Date and Time:</b>	<b>July 25, 2008, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available in pdf files on the webpage. If pertinent information is not available, please contact the Site Manager.

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

The site has been utilized as a petroleum bulk facility. The site consists of three properties, 728 Clarendon Avenue, 726 Clarendon Avenue, and 502 Oakland Avenue. Seven aboveground storage tanks (ASTs) and one underground storage tank (UST) were located at the site. In August 1993, contamination was observed in the area four former ASTs that were removed in approximately 1991 at 728 Clarendon Avenue during site survey work consisting of three soil borings. A release from the UST at 726 Clarendon Avenue was reported in 1994. In 2000, three ASTs were removed at 502 Oakland Avenue. The ASTs at 728 Clarendon Avenue and 502 Oakland Avenue were connected by underground piping. Seven ASTs were installed in 2000 in the area of the former ASTs at 728 Clarendon Avenue. Approximately 800 tons of soil was excavated and stockpiled during the replacement of the AST systems. The excavation extended to a depth of four feet beneath the former AST areas and approximately one foot beneath the concrete slab.

In August 1999 six soil boring were conducted to determine the extent of soil contamination. Monitoring wells MW-1 through MW-5 were installed in October 1999. The monitoring wells are generally screened from 20 to 35 feet.

The site generally has silty sand to gravelly sand to the termination of the soil borings at depths of approximately 36 feet, with interbedded clay, silt or gravel layers. A silty clay to sandy clay layer is typically encountered in at depths of approximately 2 to 3 feet extending to depths of 4 to 6 feet underlain by sandy silt to depths of approximately 14 to 16 feet.

Groundwater was encountered at 25-30 feet bgs. The hydraulic conductivity based on measurements in the monitoring wells was calculated to be approximately  $3.3 \times 10^{-4}$  cm/sec. Based on the groundwater elevations measurements observed on February 9, 2000, the groundwater gradient is generally to the west. Based on the groundwater gradients, hydraulic conductivity, and an estimated effective porosity of 0.30, the groundwater flow velocity is calculated to be approximately 75 feet per year.

Groundwater quality exceeded NR140 standards in samples collected from monitoring wells MW-1 and MW-5. The sum of the concentrations of the PVOC compounds were approximately 20 to 100 µg/l in monitoring well MW-1, and approximately 40 to 65 µg/l in monitoring well MW-5.

Information from the case file is included in the pdf file(s) on the webpage. The entire case file may be reviewed at Commerce office in Madison, WI.

### **Minimum Remedial Requirements**

Activities under this work scope should commence within 2 months after obtaining a signed contract.

Collect groundwater samples from five monitoring wells MW-1 through MW5 on a quarterly basis for 4 quarters. Groundwater samples from the first sampling event shall be analyzed for petroleum volatile organic compounds (PVOCs) with 1,2-dichlorethane and naphthalene, polyaromatic hydrocarbons (PAHs) and appropriate field and laboratory natural attenuation parameters. Groundwater samples from the subsequent sampling events shall be analyzed for petroleum volatile organic compounds (PVOCs) with 1,2-dichlorethane and naphthalene, and appropriate field and laboratory natural

attenuation parameters. Include a contingency cost for additional sample collection and laboratory analysis for PAHs during the subsequent sampling. Water level elevations shall be measured at all of the monitoring wells during each sampling event.

All contaminated material generated at this site as part of the bid scope of work must be properly stored and disposed/treated in accordance with State regulations.

The excavated contaminated soil stored on the site, approximately 800 tons, shall be treated and disposed. The cost to fulfill *all* landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Potential (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for waste characterization sample collection and analysis, to be used if required.

The soil must be treated and disposed at an appropriate facility. Include a contingency cost on a per ton basis for the treatment and disposal. The bid for the treatment and disposal of approximately 800 tons will be modified according to the per ton contingency cost based on the greater or less than 800 tons. In addition, as an alternative treatment and disposal, include a contingency cost for the on-site replacement of contaminated soil NR 718.11(2)(b) on the property.

Quarterly progress reports shall be submitted to Commerce. These reports shall include groundwater elevation measurement data, groundwater sample results, groundwater flow and contaminant isoconcentration maps, waste disposal documentation, well installation documentation, etc. Property boundaries in common with all adjacent properties shall be depicted on all site figures. Water table elevations and groundwater sample results obtained for each sampling round shall be presented in tabular form. The reports will include, but not be limited to, required and customary data and documentation, such as tables and figures depicting groundwater chemistry and flow, and copies of laboratory reports and chain of custody forms.

While this bid is not a bid to closure, there is a possibility of additional groundwater monitoring for PVOCs, PAHs and appropriate field and laboratory natural attenuation parameters or attaining closure at the conclusion of the work scope conducted under this bid. If closure is appropriate, a recommendation for closure should be provided in the report. If closure is approved, prepare and submit a complete closure report and GIS Registry packet consistent with ch. NR 726, Wis. Adm. Code requirements. For the purposes of the bid, bidders should include costs for additional monitoring on a semi-annual basis for one year and all closure-related costs (including, but not limited to final well abandonment costs, closure form and narrative, and GIS packet, and, if necessary, deed restriction and maintenance plan) in their bid. On page two of the bid response, provide a separate line item that provides the amount of the total bid cost that is associated with the additional monitoring and closure-related costs. If additional monitoring is required or closure is available following the work scope activities conducted, then the cost cap established by this bid will be modified by the amount of the additional monitoring or closure-related costs.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

## Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

## BID RESPONSE

(1<sup>st</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Horn Oil Co**

**COMMERCE #: 53149-1236-28**

**BRRTS #: 02-68-000831**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2760 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_



## BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Horn Oil Co**

**COMMERCE #: 53149-1236-28**

**BRRTS #: 02-68-000831**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Groundwater Sampling, four quarters <i>Including laboratory analyses and waste disposal</i>	\$
2	Soil disposal, 800 tons <i>Including transport and disposal</i>	\$
3	Reporting	\$
4	PECFA Claim Preparation	\$
	<b>Total Bid Amount</b>	<b>\$</b>
<b>CONTINGENCY COSTS</b> (Will be Approved and Added to the Bid Cap as Needed)		
•	Groundwater Sampling, two semi-annual events (cost per event) <i>Including laboratory analyses, waste disposal and reporting</i>	\$
•	Groundwater sampling, collection of additional sample for PAH analyses including laboratory analysis, cost per sample	\$
•	Waste profile <i>Including sampling and laboratory analyses</i>	\$
•	Soil disposal, per ton	\$
•	Alternate treatment and disposal of stored contaminated soil, on-site replacement of contaminated soil	\$
•	Closure request costs (lump sum) <i>Including but not limited to case summary and closeout form and report, GIS Registry requirements, appropriate notification to the public and well abandonment</i>	\$